



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

COMPLIANCE ADVISORY

August 2016

High Number of Complaints Related to Alleged Misuse of Dicamba Raises Concerns

EPA and state agencies have received an unusually high number of reports of crop damage that appear related to misuse of herbicides containing the active ingredient dicamba. Investigations into the alleged misuse are ongoing. This Compliance Advisory is intended to provide information on the agricultural and compliance concerns raised by these incidents.

Compliance Concerns

Based on cropping patterns and the number of acres of non-resistant crops adversely affected, extension experts across the country believe that illegal use of dicamba products on adjacent or nearby dicamba-resistant cotton and soybean crops caused the observed crop damage. *The EPA has not registered any dicamba herbicides for application at planting or over the top of growing cotton or soybean plants, including crops genetically modified to tolerate dicamba.* Therefore, any application of a dicamba product during the growing seasons of cotton or soybean crops is unlawful under FIFRA. Unlawful applications of dicamba products can result in residues on harvested crops and affect the yields of non-target crops.

Agricultural Concerns

To date, the Missouri Department of Agriculture has received approximately 117 complaints alleging misuse of pesticide products containing dicamba. Missouri growers estimate that more than 42,000 acres of crops have been adversely affected. These growers have reported damage on a number of crops including peaches, tomatoes, cantaloupes, watermelons, rice, cotton, peas, peanuts, alfalfa, and soybeans. Similar complaints alleging misuse of dicamba products have been received by Alabama, Arkansas, Illinois, Kentucky, Minnesota, Mississippi, North Carolina, Tennessee and Texas.

What is Dicamba?

Dicamba is an active ingredient contained in certain herbicides. Herbicides containing dicamba are registered for uses in agriculture, residential areas, and other sites to address broadleaf weeds and woody plants. *Current registrations for use on cotton and soybeans are restricted to*

preplant and postharvest burndown applications. The product labels for these herbicides specify this restriction.

Regulatory Scheme

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA regulates the sale, distribution, and use of pesticides in the United States. When certain criteria are met, states also have regulatory authority. Under FIFRA, the label on a pesticide package or container and the accompanying instructions are a key part of pesticide regulation. The label provides critical information about how to safely handle and use the pesticide product to avoid harm to human health and the environment. Further, the use of a pesticide in a manner that is inconsistent with the use directions on the label (i.e. a “misuse” of the pesticide) is a violation of FIFRA. These violations can result in federal and state enforcement actions. EPA enforcement actions may include, but are not limited to, assessing civil and criminal penalties.

This spring, EPA issued a proposal to register dicamba to control weeds in cotton and soybean that have been genetically engineered to tolerate dicamba. EPA is currently evaluating the comments received during the comment period as well as information obtained from current investigations of crop damage related to the use of dicamba to inform a final decision.

DISCLAIMER

This Compliance Advisory explains select provisions of EPA regulatory requirements using plain language. Nothing in this Alert is meant to replace or revise any EPA regulatory provisions of any other part of the Code of Federal Regulations, the Federal Register, or the Federal Insecticide, Fungicide and Rodenticide Act. For more information on agricultural pesticides and compliance, visit: <https://www.epa.gov/agriculture>. For more information on enforcement, visit: <https://www.epa.gov/enforcement>. For more information or concerns about pesticides or dicamba uses in your area, contact your state Department of Agriculture or your state Pesticide Regulatory Agency.